

III. Duties of Elections Officers Before Opening Polls

Summary

This chapter defines for the elections officers those duties to complete prior to the opening of the polls on an election day. Also included in this chapter are checklists of the various materials needed at each polling location and instructions in case these materials are missing or damaged.

The polling place shall be furnished with a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others. Each place, compartment, or booth shall be so adjusted as to conceal from any observation the voter's marking of the ballot. (§ 14110.) The polling places shall be arranged so that neither the ballot containers nor the voting booths or compartments shall be hidden from the view of those present. (§ 14211.)

If, for any valid reason, the polling place designated for any precinct cannot be used, it is the responsibility of the elections official or, in the case of an emergency, the precinct board, on the day of the election, to locate a sufficient polling place near to the original polling place and duly post a notice of the change at the former site. (§ 12281(b).)

Eligibility to serve as an inspector or a precinct board member depends upon signing the required declaration of intention to fulfill the assigned duties. Signing shall take place in front of a witness and is as binding as an oath of office. (§ 12321(a)(2).)

The inspector's signed declaration should be returned to the elections official 15 days before the election or may be signed on election day prior to beginning his or her duties. (§ 12321(a), (d).) The precinct board members will sign their declarations on election day, prior to the opening of the polls. (§ 12321(b).)

Before every election, the county elections official will deliver to the precinct board various documents and supplies that must be present at the polling place. This will include three copies of the index of affidavits of registration for the precinct and any necessary supplement bringing the index up to date. (§ 2189.) A complete list of necessary election supplies can be found starting on page 12.

The elections official shall provide a sufficient number of official ballots for each precinct. Additional ballots will be provided for vote-by-mail or emergency purposes. (§ 14102.) Official ballots shall be delivered by the elections official in sealed packages and must be signed for by a precinct board member who will return the endorsed receipt to the elections official. (§ 14104.) The procedure to use if the ballots do not arrive or are damaged upon arrival is found on page 15.

Election officers are required to post various materials in the polling place in clear view of those present. The essential materials are listed starting on page 16. A form for the Roster of Registered Voters can be found starting on page 17. The roster may, however, be kept in the form of the index to the affidavits of registration for that precinct. If an index is used, it should provide, to the left of each name, ample space for the voter to sign his or her name. (§ 14109.) Any person may inspect the roster at any time while voting is in progress or while votes are being counted but such inspection must be done in a way that will not impede, interfere, or interrupt the normal process of voting. (§ 14223(b).)

1. Polling Place.

Change of Location of Polling Place

If, for any valid reason, the polling place designated for any precinct cannot be used, the elections official or, in the case of an emergency, the precinct board on the day of election, shall designate another polling place as near

the place first designated as possible, post notice on or near the place first designated, and conduct the election at the new location. (§ 12281(b).)

Restrictions

A candidate's residence shall not be designated as a polling place for an election at which that candidate's name will appear on the ballot. (§ 12287.)

A single-family residence shall not be designated as a polling place if elections officials determine that it has the registered address of a person who is required to register pursuant to the Sex Offender Registration Act. Elections officials shall, not more than 60 days prior to designating a single-family residence as a polling place, use the Megan's Law Internet Web site maintained by the Department of Justice to determine if the residence has the registered address of a sex offender. In accordance with subdivision (k) of Section 290.46 of the Penal Code, an elections official who is required to register as a sex offender shall be prohibited from accessing the Megan's Law public Internet Web site. (§ 12287.5.)

A place where the primary purpose of the establishment is the sale and dispensation of alcoholic beverages may not be used as a polling place. A polling place may not be connected by a door, window, or other opening with any place where any alcoholic beverage is sold or dispensed while the polls are open. (§ 12288.)

Places, Booths, or Compartments

All officers required by law to designate polling places shall furnish the polling places with a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others. Each place, compartment, or booth shall be so adjusted as to conceal from any observation the voter's marking of the ballot. The number of voting booths or compartments shall be determined by the officer conducting the election. (§ 14110.)

Arrangement of Polling Place

The polling places shall be arranged so that neither the ballot containers nor the voting booths or compartments shall be hidden from the view of those present. (§ 14211.)

2. Identification of Polling Places and Precinct Board Members.

The elections official shall, not less than one week before the election, *publish* the list of the polling places designated for each precinct. (§ 12105.) Not less than a week before the election, the elections official shall *post* a list of all current polling places in each precinct and a list of precinct board members appointed by the 15th day before the election. (§ 12105.5.)

3. Declarations Required of Precinct Board Members.

On the day of election and before entering upon the performance of duties, each of the precinct board members, other than the inspector, shall sign a declaration of intention to faithfully discharge the duties of an election officer. The declaration shall be signed before any member of the precinct board. The form for each of the declarations shall be provided in the roster for the precinct. The declaration of the precinct board member shall be in substantially the following form:

State of California)
County of _____) ss.

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of precinct board member for precinct _____ for the election to be held on ____, 20__.

Signed in the presence of _____ (Signature) on _____, 20__.
(§ 12321(b).)

The above declaration shall be as binding on the signer as would be an oath of office. (§ 12321(a)(2).)

Any precinct board member may administer and certify oaths required to be administered during the progress of an election. This authorization shall include the power to give any type of oath required of a public employee. There shall be no fee or charge for administering an oath. (§ 12321(c).)

4. Documentation Furnished by Elections Official to Precinct Board.

Delivery of Index to Affidavits of Registration; Register

Before the day of any election held throughout the county, the county elections official shall deliver to the precinct board in each precinct three copies of the index to the affidavits of registration for that precinct, with canceled names lined out and with necessary supplements to bring the index up to date. The index and supplements shall constitute the register to be used at the election. (§ 2189.)

List of Canceled Voters

Before every election, the county elections official shall supply each polling place with a list of voters in the precinct whose affidavits of registration were canceled or became inactive pursuant to the cancellation procedures in Sections 2220 through 2226. (§ 2226(d).)

List of Vote-By-Mail Voters

Before the election the elections official shall send to the inspector of each precinct in his or her county or city a list of the voters in that precinct applying for and receiving a vote-by-mail voter's ballot. (§ 3013.)

List of Military or Overseas Voters

If a military or overseas voter who is qualified pursuant to Section 300(b)(1) is released from service after the closing date of registration for an election and has returned to the county of his or her residence and is not a registered voter, he or she may apply in person to the elections official for permission to register. If the elector furnishes documentary proof of release from service after the closing date of registration for the election, the elections official shall allow him or her to be registered and to vote in the election. On or before the day of election the elections official shall deliver to the precinct board a list of military or overseas voters registered accordingly. (§ 3108.)

5. Election Supplies.

Election Supplies Furnished by Elections Official

The elections official shall furnish to the precinct officers all of the following:

- (a) Printed copies of the indexes.

- (b) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations, and returns.
- (c) Envelopes in which to enclose returns.
- (d) Neither less than 6, nor more than 12, instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.
- (e) A digest of election laws with any further instructions the county elections official may desire to make.
- (f) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place on election day.
- (g) A ballot container, properly marked on the outside indicating its contents.
- (h) When it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside, indicating their contents.
- (i) Sufficient ink pads and stamps for each booth. The stamps shall be one solid piece and shall be made so that a cross (+) may be made with either end. If ballots are to be counted by vote tabulating equipment, an adequate supply of other approved voting devices shall be furnished. All voting stamps or voting devices shall be maintained in good usable condition.
- (j) When a candidate or candidates have qualified to have his or her or their names counted pursuant to Article 3 (commencing with Section 15340) of Chapter 4 of Division 15, a sufficient number of ink pens or pencils in the voting booths for the purpose of writing in on the ballot the name of the candidate or candidates.
- (k) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about his or her precinct location. The card shall state that the voter may call collect during polling hours.
- (l) An identifying badge or insignia for each member of the precinct board. The member shall print his or her name and the precinct number thereon and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.
- (m) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.
- (n) Sufficient copies of the notices to be posted on the indexes used at the polls. The notice shall read as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297 of the Elections Code. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."
- (o) A roster of voters for each precinct in the form prescribed in Section 14107.
- (p) In addition, the elections official may, with the approval of the board of supervisors, furnish the original books of affidavits of registration or other material necessary to verify signatures to the precinct officers.
- (q) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place. (§ 14105.)

Additional Supplies

When a candidate for nomination or election to a partisan office appears on the ballot, posters or other printed materials containing the notice below shall be included in the precinct supplies. (§ 9083.5(a), (d).) The notice shall be conspicuously posted both inside and outside every polling place. (§ 14105.1) The notice shall read:

PARTY-NOMINATED/PARTISAN OFFICES

Under the California Constitution, political parties may formally nominate candidates for party-nominated/partisan offices at the primary election. A candidate so nominated will then represent that party as its official candidate for the office in question at the ensuing general election and the ballot will reflect an official designation to that effect. The top vote-getter for each party at

the primary election is entitled to participate in the general election. Parties also elect officers of official party committees at a partisan primary.

No voter may vote the ballot of any political party at any primary election unless he or she has disclosed a preference for that party upon registering to vote or unless he or she has declined to disclose a party preference and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party.

When a candidate for nomination or election to a voter-nominated office appears on the ballot, posters or other printed materials containing the notice below shall be included in the precinct supplies. (§ 9083.5(b), (d).) The notice shall be conspicuously posted both inside and outside every polling place. (§ 14105.1) The notice shall read:

VOTER-NOMINATED OFFICES

Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election, and a candidate nominated for a voter-nominated office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a voter-nominated office may, however, designate his or her party preference, or lack of party preference, and have that designation reflected on the primary and general election ballot, but the party designation so indicated is selected solely by the candidate and is shown for the information of the voters only. It does not constitute or imply an endorsement of the candidate by the party designated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. The parties may have a list of candidates for voter-nominated offices, who have received the official endorsement of the party, printed in the sample ballot.

All voters, regardless of the party for which they have expressed a preference upon registering, or of their refusal to disclose a party preference, may vote for any candidate for a voter-nominated office, provided they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election advance to the general election for the voter-nominated office, and both candidates may have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation participate in the general election unless such candidate is one of the two highest vote-getters at the primary election.

When a candidate for nomination or election to a nonpartisan office appears on the ballot, other than judicial office, posters or other printed materials containing the notice below shall be included in the precinct supplies. (§ 9083.5(c), (d).) The notice shall be conspicuously posted both inside and outside every polling place. (§ 14105.1) The notice shall read:

NONPARTISAN OFFICES

Under the California Constitution, political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate nominated for a nonpartisan office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a nonpartisan office may NOT designate his or her party preference, or lack of party preference, on the primary and general election ballot. The top two vote-getters at the primary election advance to the general election for the nonpartisan office.

Ballot Pamphlets at Polling Places

Three copies of the ballot pamphlet, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters. (§ 9094(c).)

6. Ballots.

Sufficient Number of Ballots Provided to Precinct Boards

For each statewide election, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75% of registered voters in the precinct, and for vote-by-mail and emergency purposes shall provide such additional number of ballots that may be necessary. (§ 14102(a)(1).)

The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of voters registered in that precinct as intending to affiliate with a party, and the number of nonpartisan ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct without statement of intention to affiliate with any of the parties participating in the primary election. (§ 14102(a)(2).)

For all other elections, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75% of the number of registered voters in the precinct, and for vote-by-mail and emergency purposes shall provide the additional number of ballots that may be necessary. (§ 14102(b).)

Delivery of Blank Ballots to Precinct Boards

Before the opening of the polls at any election, the elections official shall cause to be delivered to the precinct board in each precinct in which the election is to be held, the proper number of ballots of the kinds to be used in that precinct. The ballots shall be delivered in sealed packages with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed. (§ 14103.)

Ballot Receipt

The elections official shall prepare a receipt for each polling place, enumerating the packages and stating the date of delivery to the precinct board member. The precinct board member shall sign the receipt upon receipt of the packages. The signed receipt shall be returned to the elections official. Messengers may be employed to insure the safe and expeditious delivery of the ballots. (§ 14104.)

If the ballots or supplies do not arrive in time, the precinct board member present should immediately communicate with the elections official or other official from whom they should have been received.

Loss or Destruction of Ballots

In the case of the prevention of an election in any precinct by the loss or destruction of the ballots intended for that precinct, the inspector, or other precinct officer for that precinct, shall make an affidavit setting forth the fact, and transmit it to the Governor. (§ 13101.)

7. Materials To Post.

Only Those Materials Required by Law

Members of the precinct board shall not display, distribute, or make available at the polling place any materials other than those required pursuant to Division 14 of the Elections Code without the express approval of the county elections official. (§ 14105.5.)

Posting Voting Information

A member of each precinct board shall cause the following voting information to be publicly posted at each polling place on the day of each election:

- (a) A sample version of the ballot that will be used for the election.
- (b) Information regarding the date of the election and the hours during which polling places will be open.
- (c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot.
- (d) Instructions for mail-in registrants and first-time voters under Section 303(b) of the Help America Vote Act of 2002 (P.L. 107-252).
- (e) General Information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.
- (f) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation as they pertain to elections. (§ 14200.)

Posting Facsimile Copy of Ballot Measures and Instructions; Languages

The precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the elections official. (§ 14201(a)(1).)

In those counties which are required under the provisions of the federal Voting Rights Act of 1965, as extended by Public Law 94-73, to furnish ballots in other than the English language, the posting of the facsimile ballot in that particular language shall not be required. (§ 14201(a)(2).)

In those precincts where ballots printed in a language other than English are available for use by the voters at the polls, the posting of a facsimile ballot in that particular language shall not be required. (§ 14201(e).)

Posting Indexes to Affidavits of Registration

Before opening the polls, the precinct board shall post in separate, convenient places at or near the polling place, and of easy access to the voters, not less than two of the copies of the index to the affidavits of registration for that precinct. (§ 14202(a).)

In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this requirement shall be by street addresses in numerical order, unless otherwise provided by Section 2192. (§ 14202(b).)

Copies of Index Must Remain Posted

The precinct board shall maintain the copies of the index posted during the whole time of voting. These copies shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. (§ 14298(a).)

A member of the precinct board shall post a notice on each index which reads as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(b).)

8. Roster.

Roster of Registered Voters

The roster to be kept by each precinct board shall be substantially in the following form:

Roster

of the _____ election held in the _____ precinct
_____ district, County of _____, on the _____
day of _____, 20__.

Following are the voters of above precinct desiring to vote under Sections 14216, 14218,
14278, and 14284 of the Elections Code:

No.	Signature of Voter	Residence of Voter
1.	_____	_____
2.	_____	_____
3.	_____	_____
etc.	_____	_____

We hereby certify that all voters whose signatures appear hereinbefore in this roster voted
this day excepting the following who, after signing the roster, failed to vote or were challenged and
denied the right to vote.

No.	Name	No.	Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

We further certify that the number of voters who voted in this precinct at this election is
_____, and that the above list of voters, less those who did not vote as enumerated, constitutes
the roster of this precinct for this election.

We further certify that the total number of official ballots received, voted, rejected, spoiled
and canceled, found in the ballot container and the number accounted for is as indicated on the
ballot statement.

We further certify that the assisted voters list and challenge list show a complete list of all
voters assisted or challenged.

_____	Clerk	_____	Inspector
_____	Clerk	_____	Judge
_____	Clerk	_____	Judge

All members of the precinct board shall sign this certificate. (§ 14107(a).)

When votes are counted at the precinct, all members of the board shall also sign the certificate of
performance prescribed in Section 15280. (§ 14107(b).)

NOTE - A distinction should be noted between the "roster" just mentioned and "tally sheet." The roster is to contain the signatures of the voters, the number thereof being certified to by the election officers, whereas the tally sheet is to contain the tally or count of the votes and a record thereof also signed by the elections officers. The roster is signed before the ballots are opened, the tally sheet after the ballots are opened and counted.

Fill in Blanks at Head of Roster

At the head of the roster, if not already stated, one of the officers shall designate in writing the election and date thereof, and the number of the precinct.

Form of Roster; Warning

The roster shall contain in no less than 6-point type at the head of each page the following words:

"WARNING: It is a crime punishable by imprisonment in the state prison or in county jail for anyone to fraudulently vote, fraudulently attempt to vote, vote more than once, attempt to vote more than once, impersonate a voter, or attempt to impersonate a voter (Elections Code Sec. 18560)." (§ 14108.)

Roster in the Form of Index to Affidavits of Registration

Notwithstanding Sections 14105 and 14107, the roster to be kept by each precinct board may be in the form of an index to the affidavits of registration for that precinct, in which case the index shall provide space of sufficient size to allow each voter to sign his or her name pursuant to Section 14216. (§ 14109.)

Inspection of Roster

Any person may inspect the roster while voting is in progress and while votes are being counted. However, this shall not be done at a time or in a manner that will impede, interfere, or interrupt the normal process of voting. (§ 14223(b).)